



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 072982/0212

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11-21-02

Applicant: Kazuhiko SUGIYAMA

Title: ATM EDGE NODE SWITCHING EQUIPMENT UTILIZED IP-UPN
FUNCTION

Serial No.: 09/740,979

Filed: December 21, 2000

Examiner: Unassigned

Art Unit: 2661

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued October 1, 2002 with respect to a counterpart Japanese patent application is provided below.

"Claims 1 through 6

Cited Example 1:

Japanese Unexamined Patent Application Publication H11-
284664

Cited Example 2:

Yamano, Shigeki: QoS assured VPN system using MPOA in a large scale ATM network. Denshi Joho Tsushin Gakkai Gijutsu Kenkyu Hokoku, Japan, Institute of Electronics, Information and Communication Engineers, 19 March 1999, Vol. 98, No. 670, pp. 75-80

Remarks

Cited Example 1, {0088} through {0092} and {0110}, describes guaranteeing bandwidth on links of a virtual private network, and Cited Example 2, in the "Outline" section, similarly describes a QoS assured VPN system. That discarding of cells, etc. is performed for ATM communication quality assurance is no more than a matter well known to persons skilled in the art.

While there is a description of a "packet analysis and processing part which acquires ... communication quality type, input VC number, protocol type...", acquiring higher layer transmission parameters to control transfer in an MPOA, etc. label switch is well known, and the simple acquisition of well known parameters itself is no more than a matter of design."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

November 18, 2002
Date

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